IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 1362 of 1998
In
SPECIAL CIVIL APPLICATION No. 4210 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

MUNICIPAL COMMISSIONER - Appellant(s)

Versus

ARUN M PATEL - Defendant(s)

==========

Appearance :
MR PRANAV G DESAI for Petitioner No(s).: 1.
RULE SERVED for Respondent No(s).: 1.
MR PR THAKKAR for Respondent No(s).: 1.
==========

CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 25/08/2005

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1.The facts in nutshell are that the respondent-workman was placed under suspension because of certain investigations made by the Anti Corruption Bureau and a charge-sheet was filed against him. As proper allowances were not being paid, the workman came to the Industrial Tribunal, the Industrial Tribunal observed that the workman was entitled to House Rent Allowance, City Compensatory Allowances and Subsistence Allowance. Being aggrieved by the said award, the Baroda Municipal Corporation came to this Court in Special Civil Application No.4210 of 1997. The matter came to be disposed of on 8.9.98. The learned Single Judge, in view of the statement made by the workman observed that, the workman was ready and willing to give up the benefits from 1986 to 12.3.1993, disposed of the matter observing that the impugned award will stand modified and would be made operative with effect from 12.3.1993. It is to be noted that during pendency of this appeal, the respondent-workman has already been acquitted and as on today, nobody knows whether against the order of the acquittal, any further proceedings have been drawn or not.

2. Taking into consideration the totality of the circumstances, we do no find any wrong in the order

passed by the learned Single Judge. So far as the question of payment of full salary for the period of suspension along with other allowances is concerned, it will now have to be decided by the Corporation-employer in view of the acquittal of the respondent-workman. We refuse to interfere. The appeal is accordingly dismissed.

[R.S. GARG, J.]

[RAVI R. TRIPATHI, J.]

pirzada/-